

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed January 3, 2007. Reconsideration and allowance of the application and pending claims are respectfully requested.

I. Double Patenting Rejections - Obviousness-type Double Patenting

Claims 15 and 24 have been rejected under the doctrine of obviousness-type double patenting as being unpatentable in view of claims 1, 9, 16, and 22 of U.S. Patent No. 6,920,410 ("the '410 patent"). Furthermore, claims 1, 15, and 24 of this application conflict with claims 1, 9, 17, 21, 25, and 26 of Application No. 10/615/547 ("the '547 application"). Applicant respectfully traverses.

Regarding the rejection under the '410 patent, Applicant notes that none of claims 1, 9, 16, and 22 of the '410 patent teach or suggest "means for storing information about the message once it has been intercepted" or "means for interjecting instrumentation into the message, the instrumentation being useful in profiling service operation" as required by claim 15, or "logic configured to store information about the message once it has been intercepted, the information being useful in profiling service operation" as required by claim 24.

Regarding the rejection under the '547 application, Applicant notes that none of claims 1, 9, 17, 21, 25, and 26 of the '547 application teach or suggest "storing information about the message once it has been intercepted, the information being useful in profiling service operation" as required by claim 1, "means for interjecting instrumentation into the message, the instrumentation being useful in profiling service

operation" as required by claim 15, or "logic configured to store information about the message once it has been intercepted, the information being useful in profiling service operation" as required by claim 24.

In view of the above, Applicant respectfully submits that Applicant's claims 1, 15, and 24 are neither anticipated nor obvious in view of the claims identified in the Office Action. Applicant therefore respectfully requests that the rejections be withdrawn.

II. Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Malik, et al.* ("Malik," U.S. Pat No. 6,160,794) in view of *Cohen, et al.* ("Cohen," U.S. Pat. No. 6,389,462).

As indicated above, each remaining independent claim has been amended through this Response. In view of those amendments, Applicant respectfully submits that the rejections are moot as having been drawn against Applicant's claims in a previous form. Applicant therefore respectfully requests that the rejections be withdrawn.

Turning to the merits of the claims, Applicant notes that the references at least fail to teach or suggest intercepting a message intercepting a message sent by a client computer using a web protocol, the message being directed to a web service available on the Internet or storing information about the message once it has been intercepted, the information being useful in profiling service operation. Regarding the Malik reference, which was relied upon for teaching intercepting and transmitting a message, Malik's invention is for use in a telecommunications setting only and, more particularly, a public switches telecommunication network (PSTN) (i.e., standard telephone

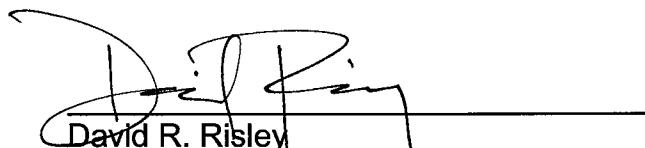
network). Regarding the Cohen reference, which was relied upon for teaching storing information about a message, column 7, lines 18-27 of the Cohen reference do not discuss the action of storing information about message once it is intercepted. Instead, Cohen just describes providing a copy of an object if it is already present in a cache.

As a further matter, Applicant disagrees that the Cohen reference is in “the same field of endeavor” as the Malik reference. Clearly, Malik’s teachings are limited to telephone communications while Cohen’s teachings pertain to the Internet. There is no legitimate motivation for addition of attributes from Cohen’s Internet-based system into Malik’s phone-based system.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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